

# United States District Court

for the  
Western District of New York

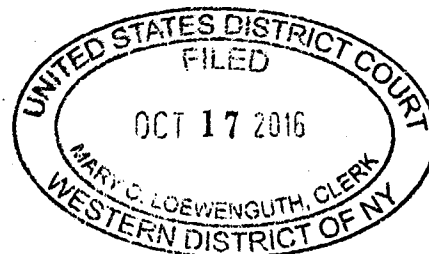
United States of America

v.

Case No. 16-M- 140

ALEJANDRO VALADEZ-LEON

*Defendant*



## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 2, 2016, in the Western District of New York, the defendant, ALEJANDRO VALADEZ-LEON, violated Title 8, United States Code, Section 1326(a) [re-entry after deportation or removal] in that the defendant, an alien who had previously been deported or removed from the United States, knowingly and voluntarily re-entered the United States and was found to be present in the United States, without first obtaining the express consent from the Attorney General of the United States or from the Secretary of Homeland Security to reapply for admission to the United States.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

  
*Complainant's signature*

PATRICIA CALLERI, Special Agent HSI  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: October 17, 2016

  
*Judge's signature*

City and State: Buffalo, New York

*title*

H. KENNETH SCHROEDER, JR  
UNITED STATES MAGISTRATE JUDGE  
*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK     )  
COUNTY OF ERIE         ) SS:  
CITY OF BUFFALO         )

PATRICIA CALLERI, being duly sworn, deposes and says that:

1. I have been a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI") since October 2008. During my employment with HSI, I have participated in numerous investigations and/or criminal prosecutions concerning human trafficking, forced labor, harboring of unauthorized aliens and the hiring or recruitment of unauthorized aliens.

2. As a part of my duties during my employment with HSI, I investigate violations of the Immigration and Nationality Act ("INA") and violations of the United States Code, in particular, Title 8 of the United States Code, Sections 1325 and 1326 regarding the illegal entry of aliens and the illegal re-entry of previously deported or removed aliens.

3. This affidavit is based upon my own knowledge, my review of official records of the former Immigration and Naturalization Service and current ICE and upon

information that I obtained from other law enforcement officers involved with this investigation.

4. I make this affidavit in support of the annexed Criminal Complaint charging ALEJANDRO VALADEZ LEON ("VALADEZ"); with a violation of Title 8, United States Code, Section 1326(a), regarding the reentry of a previously deported or removed alien.

5. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only facts that I believe are necessary to establish probable cause to demonstrate that VALADEZ has violated Title 8, United States Code, Section 1326(a).

6. HSI is conducting an investigation relating to the harboring of undocumented workers at area restaurants in Buffalo, New York. On March 02, 2016, HSI received information from a Cooperating Source ("CS") indicating that an individual by the name of ALEJANDRO VALADEZ LEON, a citizen and national of Mexico, had illegally re-entered the United States after having been deported or removed from the United States. CS also indicated that VALADES is working at the Agave Restaurant, located at 3870 Union Road, Cheektowaga, NY within the Western District of New York.

7. Based on this information, ICE conducted record checks using the Department of Homeland Security Central Index System. As a result of these record checks, ICE learned that an Immigration Alien File ("A-File") bearing Alien Registration number \*\*\*-\*\*\*-505 was produced regarding an individual named ALEJANDRO VALADEZ-LEON.


8. A subsequent review of the A-File revealed that VALADEZ had been removed from the United States on one prior occasion, the details of which are as follows:

- a. On or about February 04, 2006, the United States Border Patrol arrested VALADEZ, in Eagle Pass, Texas and administratively charged VALADEZ with being an alien illegally present in the United States.
- b. On or about that same date, February 04, 2006, VALADEZ was ordered removed from the United States to Mexico via an Expedited Order of Removal under Section 235(b)(1) of the INA.
- c. On or about March 03, 2006, VALADEZ was physically removed from the United States to Mexico. VALADEZ was provided with Immigration Form (I-296), advising him that he would be in violation of Title 8, United States Code, Section 1326, if entered, attempted to enter, or were to be found in the United States without the permission of the United States Attorney General, or his Successor, the Secretary of Homeland Security.

9. On March 02, 2016, CS entered El Agave restaurant as a patron. This restaurant is located at 3870 Union Road, Cheektowaga, NY in the Western District of New York. At approximately, 2:10pm, CS was greeted by VALADEZ. CS took a photograph of VALADEZ. CS's photograph of VALADEZ was compared to a photograph of VALADEZ taken from VALADEZ's A-File and it depicted the same individual.

10. Based on the above referenced immigration record checks, VALADEZ has no valid immigration status in the United States and is illegally present. In addition, there is no evidence of any authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, for VALADEZ to have re-entered the United States after his removal.

WHEREFORE, it is respectfully submitted that probable cause exists to believe that ALEJANDRO VALADEZ-LEON did commit the offense of re-entry after deportation or removal, in violation of Title 8, United States Code, Section 1326(a) in that he, a citizen and national of Mexico, having been ordered removed from the United States on or about February 4, 2006, and having been physically removed from the United States on March 3, 2006, was thereafter working at El Agave restaurant in Cheektowaga, New York, within the Western District of New York, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security.

  
PATRICIA CALLERI  
Special Agent  
Homeland Security Investigations

Sworn to before me this 17th

day of October, 2016.

  
H. KENNETH SCHROEDER, JR.  
UNITED STATES MAGISTRATE JUDGE